

Attorney Docket No. 2048812

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APPLICANT: von Hoersten, et al.

U.S.S.N.: 10/014,291

FILED: October 26, 2001

FOR: MODULATION OF CENTRAL NERVOUS SYSTEM (CNS) DIPEPTIDYL
PEPTIDASE IV (DPIV)-LIKE ACTIVITY FOR THE TREATMENT OF
NEUROLOGICAL AND NEUROPSYCHOLOGICAL DISORDERS

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on January 29, 2002.

By: _____

Carmen M. Constantinescu

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Date January 29, 2002

Pursuant to Applicant(s) duty of disclosure, the information listed in the attached form PTO-1449 is brought to the attention of the Examiner. Copies of the listed items are enclosed.

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

In accordance with the requirement under 37 C.F.R. 1.98 (3)(i), the following are concise explanations of the relevance, as presently understood, with regard to those items submitted herewith that are not in the English language:

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

- a. ☒ Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

- a. ☐ Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
- b. ☒ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:

FRENCH LANGUAGE FR 2 696 740 apparently relates to Dimethylbiguanide drug derivatives and their medical applications.
FRENCH LANGUAGE FR 2 085 655 apparently relates to biguanide substitutes possessing a hypoglycemic property.

GERMAN LANGUAGE DT 25 42598 A1 apparently relates to biguanide salts as well as a method for preparing such salts. In addition to

this the invention apparently covers pharmaceutical compounds which contain such salts.

GERMAN LANGUAGE DE 196 16 486 apparently relates to the use of a method for reducing in the blood of a mammal, by administration of effectors, the enzyme activity of dipeptidyl peptidase (DP IV) or enzyme activity similar to DP IV which causes the blood sugar level to drop below the glucose concentration, characteristic of hyperglycemia, in the serum of the treated organism; preventing or alleviating metabolic anomalies such as glucosuria, hyperlipidemia, possible serious metabolic acidosis, diabetes mellitus which result from higher concentrations of glucose in the blood.

GERMAN LANGUAGE WO97/40832 apparently relates to the use of a method for reducing in the blood of a mammal by administration of effectors the enzyme activity of dipeptidyl peptidase (DP IV) or enzyme activity similar to DP IV, the endogenous (or additionally exogenously administered) insulinotropic peptide gastric inhibitory polypeptide 1-42 and glucagon-like peptide amide-1 7-36 are decomposed in a causal sequence to a reduced extent by DP IV enzymes or those similar to DP IV.

JAPANESE PATENT JP 4334357A2: ACYL DERIVATIVE HAVING ENZYME-INHIBITING ACTION, apparently relates to a compound having a prolyl endopeptidase activity-inhibiting action and useful as an antidement agent, especially an anti-amnestic agent.

- c. ☐ The following additional information is provided for the Examiner's consideration:

FEES

IV. **THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)**
(check one box)

- a. ☐ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.
- b. ☐ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.

- c. ☒ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a. ☐ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

or

- b. ☐ See the certification below. No fee is required.

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby certifies that

- a. ☐ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c. ☐ Some of the items of information were cited in a communication from a foreign Patent Office as indicated in the Form 1449 by those references having an asterisk(). As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a

communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

- ☐ A check in the amount of \$180.00 is enclosed for the above-indicated fee. A duplicate copy of this paper is attached.
- ☒ No fee is required.

VII. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.704(d) (PATENT TERM ADJUSTMENT)

Applies to original applications (other than design) filed on or after May 29, 2000

- a. _____ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56© more than thirty days prior to the filing of the Information Disclosure Statement.
- b. X Enclosed herewith is form PTO-1449.
- c. X Copies of cited references are enclosed.
- d. _____ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.

U.S.S.N.: 10/014,291

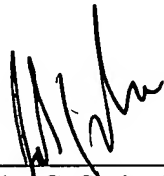
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If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition, if necessary) and charge the appropriate any additional fees to Deposit Account No. 50-0369.

Respectfully submitted,

Date: January 29, 2002



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